

HOUSE BILL 3447

By Stulce

AN ACT to submit to the people of Tennessee a question relating to the calling of a convention for the purpose of altering, reforming, or abolishing the present Constitution of Tennessee with respect to Article XI, Section 9, relative to the location of residence, within any affected county, of the majority of qualified voters necessary to approve any question submitted for the purpose of determining the consolidation of any governmental or corporate function of any municipal corporation with any governmental or corporate function of such county; to further submit to the people of Tennessee a question relating to the calling of a convention for the purpose of altering or reforming the present Constitution of Tennessee with respect to annexation; to provide for an election to determine the will of the people with respect to such questions; to provide for the holding of a convention if the people approve any of the proposals and call a convention; to provide for the election of convention delegates; to fix their compensation and allowances; to provide for an election to submit the recommendations of the convention to the people for their approval; and to provide for the payment of the expenses of holding the elections and the convention.

WHEREAS, Article XI, Section 3, of the Constitution of Tennessee provides:

The legislature shall have the right by law to submit to the people, at any general election, the question of calling a convention to alter, reform, or abolish this constitution, or to alter, reform, or abolish any specified part or parts of it; and when, upon such submission, a majority of all the voters voting upon the proposal submitted shall approve the proposal to call a convention, the delegates to such convention shall be chosen at the next general election and the convention shall assemble for the consideration of such proposals as shall have received a favorable vote in said election, in such mode and manner as shall be prescribed; and

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WHEREAS, the legislature considers it to be in the public interest to submit to the people of Tennessee the question of whether or not the present Constitution of Tennessee shall be altered, reformed, and abolished only in certain particular parts, sections, or additions, as may be determined by a convention whose authority would be limited by vote of the people to the consideration of altering, reforming, or abolishing only those parts or sections of the constitution to which the suggested reforms would, if adopted, apply, including any additional provisions relating to such matters which might be required; and whose actions in such matters shall be subject to ratification by the people, in whole or in part, the legislature acting merely as the designated agency to enable the people of Tennessee to determine the question of whether or not such a limited convention should be held; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. In order to ascertain the will of the people with respect to whether or not a limited constitutional convention should be called, there shall be submitted to the people of the state two (2) questions, which shall be printed in full on each ballot or voting machine, in words and figures as follows:

CONSTITUTIONAL REFERENDUM

Question (1): Shall a convention be held to alter, reform, or abolish the following parts and subject matter of the present Constitution of Tennessee, the convention to be limited to consideration of and action upon the following parts and subject matter and whose actions with respect thereto become effective only after the amendments proposed by the convention are separately submitted to and ratified by a vote of the people?

Article XI, Section 9 relative to the location of residence, within any affected county, of the majority of qualified voters necessary to approve any question submitted for the purpose of determining the consolidation of any governmental

or corporate function of any municipal corporation with any governmental or corporate function of such county.

_____FOR THE CONVENTION

_____AGAINST THE CONVENTION

Question (2): Shall a convention be held to alter or reform the present Constitution of Tennessee, the convention to be limited to consideration of and action upon the following subject matter and whose actions with respect thereto become effective only after the amendments proposed by the convention are separately submitted to and ratified by a vote of the people?

Whether the Constitution of Tennessee shall address any issue or issues relative to a requirement of voter approval prior to annexation.

_____FOR THE CONVENTION

_____AGAINST THE CONVENTION

Voters will indicate their choice by placing a cross mark (x) opposite one or the other of the above expressions.

SECTION 2. All expenses in connection with the holding of any of the elections authorized by this act shall be paid by the commissioner of finance and administration on warrant drawn upon the treasurer upon certification by the secretary of state to the correctness of each account. No compensation shall be paid by the state to the various county election

commissions for their services or for rental space or quarters in the various counties for places for holding any elections herein authorized.

SECTION 3. Any person acting as a lobbyist at the constitutional convention shall comply with Tennessee Code Annotated, Title 3, Chapter 6, as if the convention were the general assembly of the state of Tennessee.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. Notwithstanding any provision of this act to the contrary: the procedure for all elections, including publication of notice, the verification, certification and proclamation of the results of any elections and the ratification or rejection of any amendment to the constitution; the dates of all elections, filing deadlines, dates or numbers determining the convening or duration of the convention; the election, number, qualifications and compensation of and restrictions on delegates to the convention; the prescribed district from which the delegates are to be chosen; and the operation of the convention, including the method of filling a vacancy, shall conform to SB 3103 / HB 3107, as finally amended and enacted. All other particulars not provided for in this act shall conform to SB 3103 / HB 3107, as finally amended and enacted.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it; provided, however, this act shall be void if Senate Bill 3103 / House Bill 3107 is not enacted into law.